

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10995-RCL

| | |
|---------------------------|---|
| ALTAGRACIA J. PEGUERO, |) |
| Plaintiff, |) |
| |) |
| v. |) |
| |) |
| AMERICAN EXPRESS COMPANY, |) |
| THE SKLOVER GROUP, INC. |) |
| and FEDERAL INSURANCE |) |
| COMPANY, |) |
| Defendants. |) |
| |) |

**AFFIDAVIT OF KEVIN
DONIUS, ESQUIRE**

I, Kevin Donius, having been duly sworn, hereby state
and depose as follows:

1. My name is Kevin Donius. I am attorney with Corcoran, Fitzgerald & Hennessy in Milton, Massachusetts and I represent the Plaintiff in within matter.
2. On June 20, 2005, I spoke with John Carr, an administrator at JAMS' Boston office, regarding the likely cost of arbitration in this case. JAMS is a national, well-known and widely-used alternative dispute resolution provider.
3. Mr. Carr informed me that the hourly cost of arbitrators in the JAMS' Boston office ranges from \$350 to \$550. He also indicated that the administrative fee associated with an arbitration is 10% of the total professional fees paid to the arbitrators.

4. Based on these charges, a two day (sixteen hour) arbitration in this case with a three member panel would cost somewhere between \$16,800 and \$26,400 in professional fees, with additional administrative costs of approximately \$1,680 to \$2,640. These estimates are very conservative because they do not take into account any time for pre-hearing matters or the time associated with deliberations or the writing of an opinion.

5. On June 20th, 2005 I also spoke with Eric Roberts, Boston's regional coordinator for the American Arbitration Association ("AAA"), regarding the likely cost of arbitration in this case if AAA were used. He informed me that in a case such as the present one there is filing fee of \$8,000 and a one-time service fee of \$3,250. He also indicated that the least expensive arbitrators, who would be non-attorneys, would cost between \$150 and \$200 per hour. Accordingly, a two day arbitration would cost at least \$18,450 (\$7,200 in professional fees, \$8,000 filing fee and \$3,250 service fees). Again, this estimate is conservative because it does not include any arbitrators' time before or after the hearing.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY,
this 20th day of June, 2005.



Kevin Donius, Esquire

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of
the above document was served upon the
attorney of record for each party by mail / by hand.

Date: 6/21/05

